



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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(603) 271-2457 FAX (603) 271-7894



Petco
35 Fort Eddy Road
Concord, New Hampshire 03301

LETTER OF DEFICIENCY
WMB-ESP 2002-01
February 19, 2002

Dear Store Manager:

On Monday January 21, 2002, personnel from the Department of Environmental Services, Water Division (NHDES) conducted an inspection of merchandise that you offered for sale in your store, Petco, Concord, New Hampshire. The purpose of this inspection was to determine compliance with RSA 487:16-a, Exotic Aquatic Weed Prohibition.

Specifically, RSA 487:16-a (enacted January 1, 1998) states that "*No exotic aquatic weeds shall be offered for sale, distributed, sold, imported, purchased, propagated, transported, or introduced in the state.*" Fourteen species of exotic aquatic plants were listed as prohibited on September 5, 1998. This list has been enclosed for your information.

During the site inspection the following deficiency was noted:

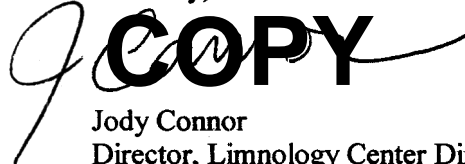
Myriophyllum heterophyllum, commonly known as variable milfoil, was being offered for sale.

Compliance with the cited deficiencies can be achieved by immediately destroying all plants of these species. Appropriate means of disposal include burning, land filling, disposing in a trash container, desiccating, and composting, if applied away from any surface waters.

In the event that appropriate actions are not taken, DES may order you to take remedial measures as may be necessary. Failure to comply with such order may result in enforcement action by DES under RSA 487:7. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with the applicable statute.

Enclosed, for your information, are fact sheets detailing the legislation, and a list of prohibited exotic aquatic plants. If you have any questions please contact Amy Smagula at (603)271-2248 or asmagula@des.state.nh.us.

Sincerely,

 **COPY**

Jody Connor
Director, Limnology Center Director

CERTIFIED MAIL

Enclosures

JC:aps

cc: Gretchen C. Rule, Enforcement Coordinator-DES ✓
Russell A. Nylander, P.E., Chief Engineer-WD/DES
Exotic Species Program-NHDES